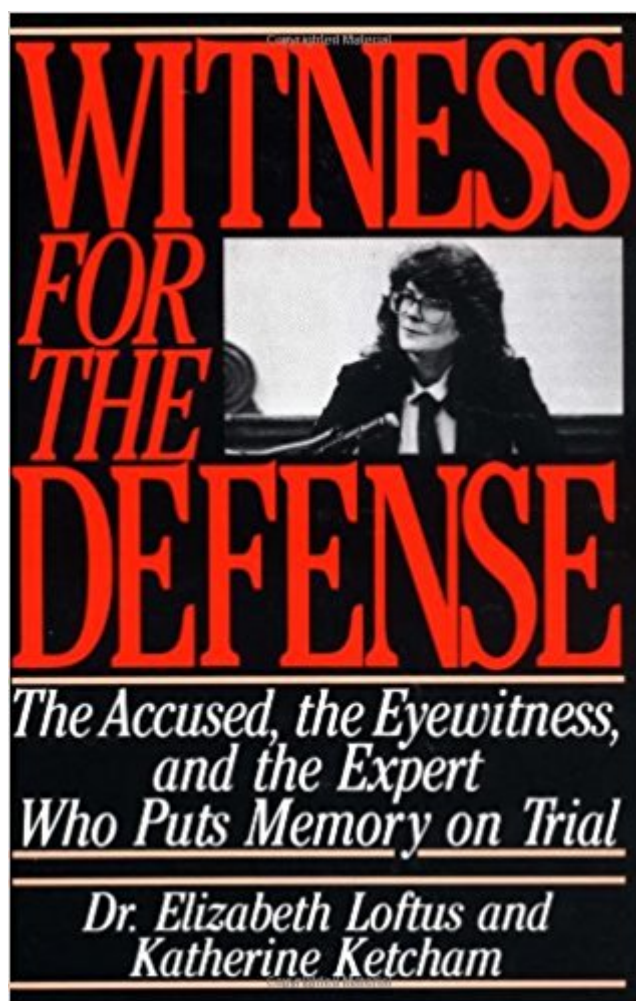


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# Witness For The Defense: The Accused, The Eyewitness And The Expert Who Puts Memory On Trial



## Synopsis

"The study of memory had become my specialty, my passion. In the next few years I wrote dozens of papers about how memory works and how it fails, but unlike most researchers studying memory, my work kept reaching out into the real world. To what extent, I wondered, could a person's memory be shaped by suggestion? When people witness a serious automobile accident, how accurate is their recollection of the facts? If a witness is questioned by a police officer, will the manner of questioning alter the representation of the memory? Can memories be supplemented with additional, false information?"The "passion" Loftus describes in the lines above led her to a teaching career at the University of Washington and, perhaps more importantly, into hundreds of courtrooms as an expert witness on the fallibility of eyewitness accounts. As she has explained in numerous trials, and as she convincingly argues in this absorbing book, eyewitness accounts can be and often are so distorted that they no longer resemble the truth.

## Book Information

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## Customer Reviews

• Witness for the Defense is an important book. • The New York Times • An intriguing and disturbing work in which forensic psychologist Loftus, a specialist on memory, examines the fallibility of eyewitness testimony in criminal cases . . . A fascinating examination of human memory, with troubling implications for the American criminal-justice system. • Kirkus Reviews • Highly recommended for the general public and scholars interested in whether justice is served in the criminal justice system. • Library Journal

Witness for the Defense is a collection of true stories based on Dr. Elizabeth Loftus's personal experiences as an expert witness. It is our goal to use these real-life courtroom dramas as a vehicle for conveying information about psychology in general and memory in particular.

In this book, Loftus recounts some fascinating true crime cases in which she was called to give testimony regarding the unreliability of eyewitness identifications. Loftus is a research psychologist who participated in a lot of studies demonstrating how easily people's memories can be influenced. She also is known for the work she has done demonstrating how memories can be implanted wholesale in adults or children, as happened in the McMartin pre-school case. Loftus does give some illustrations of how police can contaminate witness accounts, but I wish she had gone into even more detail about the studies she has conducted showing how this can happen, and about the advice she gives to police officers on how to avoid such undue influence. Perhaps though more detail on this score would have made the book too long. There is a bibliography provided to fill in some of these gaps. Here the author concentrates more on the circumstances of the crimes themselves. As it turned out, she didn't always work on the side of the "good guys." She tells about testifying for Ted Bundy's defense. Thinking back, she remembers disliking how Bundy smiled at the prosecutor, something an innocent man doesn't ordinarily do. A few scattered comments such as that might make the reader wonder if Loftus' memory might itself be showing the kind of after-the-fact malleability that she saw it as her role to remind juries to take into consideration. Did she really suspect Bundy at the time? In several of the cases Loftus recounts, there have been interesting reversals since this 1991 book was published. Some of the other individuals for whose defense she testified, also later appeared to be guilty. She writes about the part she likely played in exonerating Timothy Hennis, accused of killing a mother and two of her children. More recently, a DNA analysis of semen found in the dead woman matched Hennis' DNA. But this case cries out for an updated, full-length account. Hennis' three trials raise the issue of how prosecution can circumvent double jeopardy laws, and might even call into question the reliability of some DNA analysis, since so much of the other evidence seemed to unequivocally point to Hennis' innocence. There were other reversals, going in the opposite direction from guilty to innocent, after Loftus' book came out. Loftus was asked to testify for the defense team of Ivan Demjanyuk, accused of being a sadistic Treblinka concentration camp guard. Loftus recounts how she agonized over her decision. Should she testify and appear to be betraying her Jewish ancestry by calling into question the memories of the survivors who identified Demjanyuk as being their tormentor? You can read the book to find out what Loftus ultimately decided. Other cases dealt with in this book include

that of: Tony Herrerez, a camp counselor accused of child abuse; Howard Haupt, accused of child abduction and murder; Von Williams, accused of rape; and Tyrone Biggs, accused of assault and attempted rape. You'll find a number of insights into court procedure here that you won't find in most other true crime books. This book will also probably inspire you to read more about many of the cases mentioned, and to probe more deeply into the whole question of how accurate anyone's memory is, including your own.

The was/is a landmark book both for new and/or criminal defense attorneys and for the layman who is interest in the criminal justice system. It is also important to those who wish to know how memory really works and how it becomes altered, either innocently or by manipulation. The book is clearly written and makes compelling reading. It ought be must reading for philosophy majors wishing to understand the fragile nature of knowledge; the inherent problems of perception and recall.

Real stories that illustrate how malleable memory is. Excellent reading!

Great book

An AMAZING read!

Many people think that we store our past visual experiences as intact images in the brain. Research, however, shows that this concept is not accurate. The visual recollection of an event has to be recreated by assembling bits and pieces of memory into a whole picture. Our recollection of events is thus often distorted. A variety of psychological experiments have been conducted that demonstrate this phenomenon. Subjects shown a picture of an office later, when asked to recall the photograph, put items such as bookcases or a calendar in the scene that were not actually there. Other aspects of the office are forgotten. Elizabeth Loftus, an internationally known expert on memory, applies research and her experience to the topic of eye witness testimony in the legal setting. The book attempts to be both entertaining in its often informal presentation of case histories, and modestly academic in presenting psychological theory and research. The case histories for the most part describe trials in which eyewitness testimony resulted in the conviction of an innocent person. Loftus shows how inaccurate recollections combined with inappropriate police photo and lineup presentations can cause a witness to create false recollections. As a side note the book also shows how fallible juries can be. All in all this book provides further proof that eyewitness testimony

is not superior to circumstantial evidence. My only criticism of this book should probably be directed toward the co-author. This book is oriented toward the general public, and the case descriptions are often fluffed to create the "true crime" approach used by writers in that genre. What I found particularly amusing was that, in a book devoted to the topic of fallible memory, Ms Loftus recalls minute trivia that most of us would normally forget within a day. She relates, for example, that in one case she had just finished eating a breakfast of coffee and wheat toast. The coffee had just been put in front of her when the lawyer for the defendant walked into the restaurant. Beyond this attempt at verisimilitude we are presented with a memory of an extremely inconsequential event -the breakfast, and its delivery timing- ten years after the event. This book is an important read. It demonstrates vividly the inaccuracies of memory, and it presents the subject in a format that would entertain most courtroom novel fans. Author Loftus has written a variety of books including a recent one -The Myth of Repressed Memory"- that debunks repressed memory. A classic of hers is "Eyewitness Testimony" that is oriented more toward psychological theory and research.

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